

**From:** "Friedrich, Dabney"  
**To:** "Kavanaugh, Brett M."  
**Subject:** FW: Alito Moot Schedule  
**Sent:** Wed, 7 Dec 2005 13:29:45 -0500  
[Alito Mooter assignment scheduleWH111705.doc](#)

mooters may have changed some on this, but schedule should be accurate. tomorrow would be a good day. next time would be monday, 19th - which is the next to last moot. come tomorrow if you can.

-----Original Message-----

**From:** Dixon, Grant

**Sent:** Friday, November 18, 2005 9:09 AM

**To:** Fahrenkopf, Leslie; Brosnahan, Jennifer R.; Rao, Neomi J.; Painter, Richard W.; Powell, Benjamin A.; Gerry, Brett C.; Klingler, Richard D.; Hoyt, Robert F.; Kavanaugh, Brett M.; Burck, Bill; Yanes, Raul F.

**Cc:** Miers, Harriet; Kelley, William K.; Friedrich, Dabney; Roebke, Heather M.; Persinger, John M.; Drummond, Michael

**Subject:** Alito Moot Schedule

Attached is a proposed schedule for the Alito moots, with White House participants slotted in, for the most part, to cover the topics they have covered previously. For those in Counsel's Office, there should be no conflicts between this schedule and the vacation dates that have been submitted to Heather.

Please let me know if you have any conflicts or concerns.

Thanks,  
Grant

**December 6 - Tuesday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) General advice concerning the hearing
- 2) Jurisprudence (including judicial philosophy; *stare decisis*; role of foreign law)
- 3) Art. III issues (including mootness; ripeness; standing; political questions)

Mooters:

Judicial Philosophy: [Kristi Macklin + Brett Kavanaugh]

*Stare decisis*: [Rachel Brand + Brett Kavanaugh]

Role of foreign law: [Rachel Brand]

Art. III issues: [Bill Kelley]

**December 7 - Wednesday**

9:30 a.m. – 1:00 p.m.

Topics:

Federalism (including commerce clause; state sovereign immunity/11thA; §5 14thA; 9thA & 10thA)

Mooters:

Commerce Clause: [Rachel Brand + Brent McIntosh]

State sovereign immunity/11thA, Congress's power under section 5 of the 14<sup>th</sup>A: [Brett Gerry]

9thA, 10thA, and general Federalism questions: [Bob Hoyt]

**December 8 - Thursday**

9:30 a.m. – 1:00 p.m.

Topics:

Substantive Due Process/unenumerated rights (including abortion and end-of-life issues)

Mooters:

Abortion: [Kristi Macklin + Brett Gerry]

Gay rights + end-of-life issues: [Ryan Bounds]

Evolution of Constitution/implied rights: [Kyle Sampson]

**December 9 - Friday**

9:30 a.m. – 1:00 p.m.

Topics:

- 1) Separation of Powers
- 2) Personal Record Issues (e.g., USAO, OLC, OSG, recusals)

Mooters:

Deference to Congress: [Rachel Brand]

Deference to Executive: [Raul Yanes]

Congress' role vis-à-vis the Executive Branch: [DOJ MOOTER]

Ethics (including recusals): [Richard Painter]

**December 13 - Tuesday**

9:30 a.m. – 1:00 p.m.

Topics:

Civil Rights (including Equal Protection; other gender issues (Title VII, Title IX); other race issues (Title VII, voting rights); ADA; ADEA

Mooters:

Gender issues (Title VII, Title IX, equal protection): [Kristi Macklin]

Disability and age discrimination (ADA, ADEA): [Leslie Fahrenkopf]

Voting rights: [Brad Schlozman]

Other race issues (Title VII, equal protection): [Jenny Brosnahan]

**December 14 - Wednesday**

9:30 a.m. – 1:00 p.m.

Topics:

War powers, war on terror, enemy combatants, related topics

Mooters:

Executive power generally, including war powers and executive override: [Ben Powell + Steve Bradbury]

Enemy combatants: [Raul Yanes]

War on terrorism, including FISA and immigration authority: [Rachel Brand]

**December 15 – Thursday**

9:30 a.m. – 1:00 p.m.

Topics:

1) Criminal Law and Procedure (including 4<sup>th</sup> A; 5<sup>th</sup> and 6<sup>th</sup> A; death penalty; habeas; 8<sup>th</sup> A; sentencing)

2) Misc. topics (including 2<sup>nd</sup> A; antitrust; environment)

Mooters:

4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendments: [Bill Burck]

Death Penalty + 8<sup>th</sup> A: [Neomi Rao]

Sentencing and other criminal law topics + 2<sup>nd</sup> Amendment: [Brent McIntosh]

Antitrust + Environment: [Richard Klingler]

**December 16 – Friday**

9:30 a.m. – 1:00 p.m.

Topics:

1) First Amendment (including speech; press; religion)

2) Takings

Mooters:

Speech (including obscenity) and Press: [Rachel Brand]

Free Exercise + role of religion in judging: [Ben Powell]

Establishment Clause: [Dabney Friedrich]

Takings: [Kristi Macklin]

LUNCH – 1:00-2:00 p.m.

2:00 – 5:00 p.m.

[Outside Experts]  
Moot by Outside experts (2 hours)  
Follow-up with DOJ & WH

Outside Mooters: [TBD]

**December 19 – Monday**

9:30 a.m. – 1:00 p.m.

Topics:

Substantive Due Process II  
Jurisprudence II  
Separation of Powers II

Mooters:

Substantive Due Process II: [Kristi Macklin]  
Jurisprudence II: [Gordon Todd]  
Separation of Powers II: [Steve Bradbury]

**December 20 - Tuesday**

9:30 a.m. – 9:00 p.m.

|          |           |                    |
|----------|-----------|--------------------|
| 9:30 am  | Specter   | Richard Hertling   |
| 10:00 am | Leahy     | Bob Hoyt           |
| 10:30 am | Hatch     | Ryan Bounds        |
| 11:00 am | Kennedy   | Kyle Sampson       |
| 11:30 am | Grassley  | Dabney Friedrich   |
| 12:00    | LUNCH     |                    |
| 1:00 pm  | Biden     | Raul Yanes         |
| 1:30pm   | Kyl       | Beth Cook          |
| 2:00 pm  | Kohl      | Richard Klingler   |
| 2:30 pm  | DeWine    | Jennifer Brosnahan |
| 3:00 pm  | Feinstein | Neomi Rao          |
| 3:30 pm  | Sessions  | Jamil Jaffer       |
| 4:00     | BREAK     |                    |
| 4:30 pm  | Feingold  | Kristi Macklin     |
| 5:00 pm  | Graham    | Brent McIntosh     |
| 5:30 pm  | Schumer   | Rachel Brand       |
| 6:00 pm  | Cornyn    | Leslie Fahrenkopf  |
| 6:30     | DINNER    |                    |
| 7:30 pm  | Durbin    | Ben Powell         |
| 8:00 pm  | Brownback | Gordon Todd        |

8:30 pm      Coburn      Grant Dixon

9:00            END

**January 3 - Tuesday**

9:30 a.m. – 12:30 p.m.

Topics:

[Outside Experts]

Moot by outside experts (2 hours)

Follow-up with DOJ & WH

Mooters: [TBD]

**January 4 – Wednesday**

9:30 a.m. – 1:00 p.m.

Topics:

1) Federalism II

2) Civil Rights II

3) Substantive Due Process III

Mooters:

Federalism: [Rachel Brand]

Civil Rights: [Brad Schlozman]

Substantive Due Process: [Grant Dixon]